

**MORRIS, JAMES, HITCHENS & WILLIAMS LLP**  
***Attorneys-at-Law***

222 Delaware Avenue, 10th Floor  
Wilmington, Delaware 19801-1621  
(302) 888-6800  
Facsimile (302) 571-1750  
www.morrisjames.com

James W. Semple  
(302) 888-6870  
jsemple@morrisjames.com

Mailing Address  
P.O. Box 2306  
Wilmington, DE 19899-2306

February 7, 2006

John S. Spadaro, Esquire  
Murphy, Spadaro & Landon  
1011 Centre Road, Suite 210  
Wilmington, DE 19805

Curtis P. Cheyney, III, Esquire  
Swartz Campbell  
1601 Market Street  
Philadelphia, PA 19103

Nicholas E. Skiles, Esquire  
Swartz Campbell LLC  
919 Market Street  
Wilmington, DE 19801

Re: Eames v. Nationwide  
C.A. No. 04-1324 KAJ

Gentlemen:

This letter will confirm our telephone discussions regarding the outstanding matters before me, how they may be affected by the memorandum of opinion order, and how we shall proceed.

Rule 30(b)(6) Deposition Issues

Plaintiff shall pursue the Rule 30(b)(6) deposition, but the Defendant is unwilling to proceed. I suggested that when plaintiffs file an Amended Complaint, they also file a renewed Rule 30(b)(6) notice, and I encouraged the parties to agree with respect to the scheduling of that deposition. Plaintiff should send me a copy of any such notice; the defendant should send me a copy of any objections; and the parties should send me any additional filings the parties deem necessary.

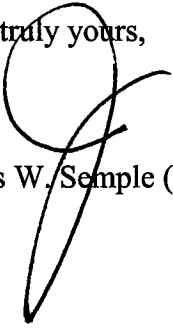
Protective Order to Maintain Confidentiality of Documents

Defendant filed its Motion for a Protective Order and its Opening Memorandum pursuant to Local Rule 7.1.2. on January 27, 2006. The remaining briefing will be filed

John S. Spadaro, Esquire  
Nicholas E. Skiles, Esquire  
Curtis P. Cheyney, III, Esquire  
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consistent with schedule set forth in that rule. Upon the filing of the Reply Brief, I shall contact counsel to schedule a hearing on the motion.

Very truly yours,

  
James W. Semple (#0396)

JWS/smg

cc: The Honorable Kent A. Jordan  
Clerk, U.S. District Court